

OUTFITTERS & GUIDES LICENSING BOARD	POLICY MANUAL	POLICY NUMBER: 2000 - 2005	PAGE NUMBER: 1 of 9
		SUBJECT: Licensing Procedures	Adopted: 11/10/1998 Revised: 06/20/05 Reformatted: 10/16/02

1.00.00 POLICY OF THE AGENCY

It is the policy of the Outfitters and Guides Licensing Board that the Agency complies with applicable state statutes regarding the Licensing Procedures.

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3.00.00 REFERENCES

4.00.00 PROCEDURE

Consistent licensing procedures facilitate industry understanding of those steps necessary to secure an appropriate outfitter or guide license. Licensing procedures are best understood when addressed as separate categories specific to certain licensing requirements. Thus, licensing procedures are categorized in the following manner:

4.01.00 GENERAL

- 4.01.01 The Executive Director will review and approve all new applications and all applications with "exceptions". Exceptions would be defined as changes or additions to training, IDFG violation or felonies, other citations & all outfitters and Designated

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Agent amendments. He will indicate his review by initialing appropriate face sheets.

4.01.02 In processing outfitter, Designated Agent or guide license renewal applications where questionable qualifications or other problems may be or are apparent, such license applications shall be held for Board consideration.

4.01.03 In issue of a probationary license, the following criteria will apply:

4.01.03.1 Each probationary license shall have affixed upon its face a 1" x 5" red stamp reading "PROBATIONARY".

4.01.03.2 A letter will accompany each probationary license advising the licensee that during the term of probation he shall not commit a violation of any local, state, or federal fish and game law; land managing agency lease or special use permit; IOGLB law, rule, or regulation; or felony; that no modification or extension of the license will be considered; or any additional terms of probation as may be determined by the Board; or,

4.01.03.3 Upon receipt of a renewal application from a licensee who had been placed on probation the prior license year and no violation of probation has occurred as set forth in (b) above, said licensee's renewal application will be accepted with the license issued non-probationary if the probationary term is expired.

4.02.00 LICENSE INFORMATION

4.02.01 Either on the face of a license or an attachment shall specify:

4.02.01.1 The activity the Board has found the outfitter or guide applicant qualified to conduct.

4.02.01.2 The operating area(s) to which the outfitter applicant has been licensed by the Board and all fish and wildlife species authorized on said license.

4.03.00 OUTFITTER LICENSE CODES AND GUIDE ACTIVITY CODES.

It is the policy of the Board that the following codes identify activities listed on licenses:

<u>Outfitter License Codes</u>	
License Codes	Activity Codes
1A	Antelope
1B	Bobcat
1D	Deer
1E	Elk
1G	Goat

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1M	Moose
1S	Sheep
43W	Wolf
2B	Bear
2C	Cougar
3P	Predators
4CH	Grey (Chukar) Partridge
4FG	Forest Grouse
4TK	Turkey
4UG	Upland Game Birds (shooting preserves)
4WF	Waterfowl
14DH	Day Hikes
16LP	Llama and Goat Packing
17SV	Survival Course
18KK	Kayaking
19BT	Mountain Bike Touring
2WS	Wagon/ Sleigh Rides
20PT	Photography Trips
CLM1	Climbing Level 1
CLM2	Climbing Level 2
5AF	Anadromous Fishing (Steelhead and-Salmon)
5IF	Incidental Fishing
5SA	Anadromous Fishing (Salmon only)
5ST	Anadromous Fishing (Steelhead only)
5PBF	Powerboat Fishing (including walk and wade fishing unless otherwise restricted)
5FBF	Floatboat Fishing (including walk and wade fishing unless otherwise restricted)
5WW	Walk and Wade Fishing Only (access by land based means only)
6SKI1	Level I Skiing
6SKI2	Level II Skiing
6MTR	Motorized Trail Rides
6TR	Non-motorized Trailrides, Equestrian Rides, etc.
7BP	Backpacking
8SN	Snowmobiling
9TM	Technical Mountaineering
10 FB	Float Boating and Kayaking (Non-fishing)
10 PB	Power Boating (Non-fishing)

4.04.00 SALES OR TRANSFERS

- 4.04.01 Require upon receipt of an application for the proposed sale and transfer of business that:

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4.04.01.1 The Office Manager will review proposed sale and transfer of business applications with a determination made by the Executive Director to whether an investigation and survey of tangible and intangible assets as proposed in the transaction are indeed valid and available for transfer, and

4.04.01.2 Legally executed written agreements [sales contracts] by and between the parties involved be obtained and made a part of the official record.

4.05.00 DESIGNATED AGENTS

4.05.01 Process applications of designated agents in the following manner:

4.05.01.1 A new designated agent of an existing outfitter business must have his application signed by the land managing agent , and

4.05.01.2 Require proposed designated agents employed by an outfitter in the conduct of their business to appear before the Board prior to their being licensed unless the Executive Director, in review of the application, finds that the applicant is well-experienced and known to the Board through previous association with the Board and the outfitting industry in the state of Idaho.

4.05.01.3 When an outfitter has his own operating area and licensed activities but also serves as a designated agent for another outfitting business, said outfitter shall be required to purchase an outfitter license(s) specific to his business and a separate designated agent's license for that outfitter, company, or partnership for which he is acting in the capacity of a designated agent to enable each business entity to maintain their own identity and licensed privileges.

4.06.00 EMPLOYING OUTFITTERS AS GUIDES

4.06.01 Where documents are submitted in proper form by outfitters desiring to employ another outfitter as a guide, this shall be added to their respective licenses without the need for Board approval. Amendment fees applicable to these requests shall be charged as follows:

4.06.01.1 The outfitter who wishes to be employed as a guide for another outfitter shall pay a minor amendment fee; or

4.06.01.2 If a reciprocal relationship where both outfitters wish to guide for each other, both outfitters will be required to pay the individual minor amendment fee. The Board does not consider such agreements between outfitters as perpetual and requires that such agreements be renewed annually.

4.07.00 OUTFITTER EXAM

4.07.01 Require that an Outfitter examination be taken and passed by prospective outfitter

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and designated agent applicants. Passing grades acceptable to the Board is to allow four (4) errors under Section A, the General Section, with one (1) error allowed under the Special Sections, Sections B, C, or D, as may be applicable.

4.08.00 RELINQUISHED- RETENTION OF GUIDE LICENSE

4.08.01 Whenever an outfitter/guide relinquishes his outfitter license [generally through the sale of the outfitting business] but wishes to retain his guide license, he must submit a statement from an outfitter desiring to employ him together with the minor amendment fee for Board approval. Said guide license to another outfitter shall become effective upon the effective date of the sale of business otherwise the guide license becomes invalid.

4.08.01.1 In an instance where the guide license becomes invalid and the individual wishes to become licensed as a guide, he must submit a "regular" guide license application to the Board together with the appropriate fee for appropriate Board consideration and action on his application.

4.08.01.2 In those instances where a guide or designated agent is no longer employed by an outfitter or where a outfitter has relinquished, abandoned, sold, or otherwise disposed of his business to render it invalid, said licenses shall be surrendered to the employing outfitter or to the Board within fifteen (15) days of termination of employment or cessation of the outfitting business.

4.09.00 OUTFITTED STREAM/ RIVER CROSSINGS

4.09.01 Where a licensed outfitter has activities on both sides of a stream, lake, or reservoir, he shall be allowed to use a boat, raft, or other craft to cross a body of water in as direct a line as possible where such crossing is paramount to utilization of the licensed activities he has on either bank. Affected outfitters must contact the Board for approval of this means of transportation and, if allowed, said approval shall be placed on their respective license. Board approval, however, does not authorize the conduct to other activities of which the outfitter is not licensed.

4.10.00 DOING BUSINESS AS

4.10.01 In accordance with state law:

4.10.01.1 Fictitious (assumed / doing business as) names shall be registered with the Idaho Secretary of State;

4.10.01.2 Fictitious name shall be recorded on the outfitter's license; and

4.10.01.3 A fictitious name certificate filed with the Board the course of the license year when a license is in force, will require the affected outfitter to seek an amendment to his outfitter license to register his fictitious name with the Board.

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4.10.01.4 An outfitter who uses an assumed name in/on his advertising, checks, business cards, etc. but does not have an assumed name certificate on file with the Board, be advised that his outfitter license cannot be issued until such time as he complies with the provisions of Idaho Code 53-501 (statute governing assumed business names) and provisions of the Outfitters and Guides Act, Idaho Code 36-2113 (1 & 2).

4.10.01.5 A partnership shall have a business name, i.e. Steeldust Outfitters, and that a minimum of one (1) or more of the partners must be licensed as a designated agent as required by Idaho Code 36-2109(c).

4.11.00 OPERATING AREAS

4.11.01 If a designated outfitting area encompasses some tracts of land for which the resident outfitter does not have a land manager's sign-off, it can be considered for licensing to another outfitter only under the following conditions:

4.11.01.1 If the area is large enough to accommodate a separate business activity without conflict with the existing outfitter.

4.11.01.2 If the business activities of the "inholding" outfitter gaining ingress and egress will not conflict with the existing outfitter.

4.11.01.3 If the resident outfitter is unable to obtain a land manager's sign-off from the owner of managing entity.

4.12.00 OPERATING PLAN

4.12.01 Specify that:

4.12.01.1 All new outfitter license applications shall be required to submit an operating plan to the Board in conjunction with their license application in sufficient detail of where, what, how, and when they would propose to conduct their outfitting business to portray the scope of their proposed business and enable Board evaluations of said operating plan and business in making its decision of either approval or denial of the outfitter license application; and

4.12.01.2 All currently licensed outfitters that submit an amendment request (other than an incidental amendment request) shall be required to provide an operating plan to the Board in sufficient detail for what, how, where, and when the requested amendment (activity, operating area boundary adjustment, etc.) would facilitate their currently licensed outfitting business in a manner to enable the Board to evaluate said request in making its decision for approval or denial of said amendment request.

4.13.00 EMERGENCY

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4.13.01 In any dispute between outfitters or between an outfitter and another individual over area boundaries or validity of existing outfitter business license or permits to operate in a specifically designated area, there shall be no suspension of operating license for the existing business during the settlement of the dispute unless the Licensing Board has taken action or an infraction of Board statute or rules has so designated.

4.14.00 PULL FORWARDS

4.14.01 Specify that where a true emergency does exist, that accommodation of employment of individuals by affected outfitters can be arranged and authorized by the Executive Director on a one-time only trip/hunt basis (dates/locations to be specified) pending submission of the necessary paperwork to the Board to complete an application and subsequent issuance of a guide license provided that the employing outfitter assures that:

- ◆ The individual for whom is requesting emergency authority to employ meets the training requirements necessary to guide those activities requested;
- ◆ The outfitter has verified first aid certification;
- ◆ To the best of his knowledge, the individual has no violation of state or federal fish and game law; and
- ◆ The individual's personal data is complete (full name, address, sex, color of hair, height, weight, birth date, and social security number).

4.15.00 GUIDE LICENSES

4.15.01 The Board, however, reserves final approval or denial in issue of a guide license where subsequent research finds that the applicant does not meet the criteria for licensing as set forth in the Act or Board Rules and Regulations.

4.15.02 In screening outfitter license renewals where the outfitter is not qualified to guide and does not indicate he has a qualified guide hired but has historically employed at least one qualified guide, said license renewal application shall be processed with license issued.

4.15.03 Outfitters licenses may not be transferred.

4.15.04 When a licensee's application is held in the office until the next board meeting for any reason, the licensee and employing outfitter, where applicable, shall be notified that the application is being held pending further board investigation/action.

4.16.00 NONUSE

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As means to clarify its position regarding nonuse of licensed privileges granted an outfitter for conduct of an outfitting and guiding business in Idaho [see Idaho Code 36-2113(a)(13) and Idaho Outfitters and Guides Board Rules and Regulations, it is the policy of the Board to:

4.16.01 Screen all outfitter license renewals and/or outfitter license amendments for conformance/non-conformance by evaluation of use date submitted by the applicant for other than incidental activity(ies)

4.16.02 Require compliance with the Outfitters and Guides Board Rule as a condition of Board approval for all transfers or sales of an outfitting business.

4.16.03 Prescribe that for purposes of nonuse criteria:

4.16.03.1 The Salmon River--Middle Fork: Boundary Creek to Indian Creek [MF1] and Indian Creek to Cache Bar on the Salmon River [MF2] shall be deemed a single river reach for purposes of reported use on the Middle Fork of the Salmon River;

4.16.03.2 That hunting of moose, antelope, sheep, and goat are by draw hunt only and deemed as outside the scope of the intent of the nonuse rule;

4.16.03.3 Licensed activities that are incidental to the primary commercial operation of a particular outfitter are deemed outside the scope of the intent of the nonuse rule. Such activities include, but are not limited to, the hunting of predators, chukar, and forest grouse; fishing in connection with float or power boating operations [excludes power boat operators engaged in steelhead fishing or operations upon Idaho's lakes and reservoirs]; recreational activities licensed to outfitters whose primary interest is big game hunting; or the hunting of bear and/or cougar designated as incidental on the outfitter's operating area description.

4.17.00 AMENDMENT PROCEDURE

4.17.01 The amendment procedure shall be as contained in Board Rule 065.

4.17.01.1 IOGLB scoping shall be done when there is a new outfitter opportunity or when a vacancy exists. Scoping shall include, but not limited to, input from appropriate and affected state or federal agencies, local units of government, neighboring outfitters and other concerned individuals agencies or organizations including local community meetings or hearings.

4.17.01.2 The goal for the scoping period is that it shall be completed within 120 days of receipt of the application.

4.17.01.3 Results from the scoping shall be made available to the applicant prior to any hearing and shall be available to the Board at the time of scoring the application or amendment request. The results of the scoping may be factored into the overall score of the application or amendment.

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4.17.02 Types of Amendments

- 4.17.02.1 Amendments may be either a minor amendment or a “major amendment” as defined by Board Rule 002.26.

4.17.03 Amendment Requests

- 4.17.03.1 A decision on a minor amendment request shall be issued within 90 days of the date of the application for the amendment unless the time period shall be extended by the Board.
- 4.17.03.2 A decision on a major amendment request shall be issued within 120 days unless the time period shall be extended by the Board.